

THE HONORABLE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON JEROME HARRIS,

Defendant,

NO. CR 05 5507 FDB

STIPULATED MOTION AND
ORDER FOR CONTINUANCE
OF PRETRIAL HEARING AND
TRIAL DATE

The Defendant herein, Jason Jerome Harris, by and through his attorney, Charles A. Johnston, hereby moves that the trial presently scheduled for September 12, 2005, be vacated, and that the trial be rescheduled sometime in November or December 2005; and that the Pretrial Hearing date presently scheduled for September 2, 2005, be vacated, and that the Pretrial Hearing be rescheduled to a date determined by the Court.

The above request for continuance is being made as additional time is necessary to review discovery and prepare this matter for trial, particularly with respect to the new charges contained in the superceding indictment . The Defendant has waived his right to a speedy trial.

STIPULATED MOTION AND ORDER - 1

CHARLES A. JOHNSTON
ATTORNEY AT LAW
202 E. 34TH ST.
TACOMA, WA 98404
(253) 473-3090

1 The Defendant believes that the ends of justice would be served by a continuance
2 of the trial and pretrial hearing dates in this matter.

3 DATED this 31st day of August, 2005.

4
5 By: /s/
6 CHARLES A. JOHNSTON, WSB # 9058
Attorney for Defendant

7 *Telephonically Approved:*
8 *August 30, 2005*
9 By: /s/
10 WILLIAM H. REDKEY, JR., WSB # 7734
Assistant United States Attorney

11 ORDER

12 Before this Court is a stipulated motion for continuance of the trial and pretrial
13 hearing dates presently scheduled for September 2, 2005, and September 12, 2005. The
14 Court finds, based on the affidavit of counsel and after a consideration of all relevant
15 information and the circumstances of this case, that without this continuance the Defendant
16 will be prejudiced and the ability to properly prepare for trial would be impaired, especially
17 in light of the new charges contained in the superceding indictment. Failure to grant a
18 continuance under these circumstances would result in a miscarriage of justice. The ends
19 of justice would best be served by granting the motion for continuance. The ends of justice
20 outweigh the best interests of the public and the Defendant in a speedy trial.

21 For these reasons, the Court finds the stipulated motion for continuance should be
22 granted. The trial date is hereby continued from September 12, 2005, to December 12,
23 2005. The resulting period of delay from September 12, 2005, up to and including the new
24 trial date of December 12, 2005 is hereby excluded for speedy trial purposes under 18


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STIPULATED MOTION AND ORDER - 2

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1 U.S.C. § 3161 (h)(8)(A) and (B). The pretrial hearing scheduled for September 2, 2005,
2 is stricken and will be rescheduled by the Court.

3 IT IS SO ORDERED.

4 DATED this 1st day of September 2005.

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8 
9 FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

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12 By: /s/
13 CHARLES A. JOHNSTON, WSB # 9058
Attorney for Defendant

14 *Telephonically Approved:*
15 *August 30, 2005*

16 By: /s/
17 WILLIAM H. REDKEY, JR., WSB # 7734
Assistant United States Attorney

18
19 CERTIFICATE OF SERVICE

20 I hereby certify that on August _____, 2005, I electronically filed the foregoing
21 Stipulated Motion and Order for Continuance of Trial Date and Pretrial Hearing Date with
22 the Clerk of the Court using the CM/ECF system which will send notification of such filing
23 to the following:

24 William H. Redkey
25

STIPULATED MOTION AND ORDER - 3

CHARLES A. JOHNSTON
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202 E. 34TH ST.
TACOMA, WA 98404
(253) 473-3090

1 Assistant United States Attorney
2 700 Stewart Street, Suite 5220
3 Seattle, Washington 98101-1271

4 DATED this _____ day of August, 2005.

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6 _____
7 SUZANNE FAKER
8 Legal Assistant
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STIPULATED MOTION AND ORDER - 4

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